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COMMITTEE REPORT

April 20, 2016

**H. 4877**

Introduced by Reps. Delleney, Pitts, Lucas, Bannister and Whipper

S. Printed 4/20/16--S.

Read the first time March 17, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4877) to amend Section 63‑3‑40, as amended, Code of Laws of South Carolina, 1976, relating to family court judges elected from each judicial circuit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

GERALD MALLOY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

House Bill 4877 will increase general fund expenditures by $675,006 in FY 2016-17 and each year thereafter. There will be no expenditure impact on federal funds or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill amends Section 63-3-40 relating to family court judges elected from each judicial circuit so as to add two additional family court judges who shall be at large and must be elected without regard to their county or circuit of residence.

The Judicial Department reports that the implementation of this bill will increase general fund expenditures by $675,006 in FY 2016-17 and each year thereafter. These expenditures will fund two judges, two administrative assistants, and two court reporters.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 63‑3‑40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FAMILY COURT JUDGES ELECTED FROM EACH JUDICIAL CIRCUIT, SO AS TO ADD TWO ADDITIONAL FAMILY COURT JUDGES WHO SHALL BE AT LARGE AND MUST BE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑3‑40 of the 1976 Code, as last amended by Act 241 of 2012, is further amended to read:

“Section 63‑3‑40. (A) The General Assembly shall elect a number of family court judges from each judicial circuit as follows:

First Circuit Three Judges

Second Circuit Two Judges

Third Circuit Three Judges

Fourth Circuit Three Judges

Fifth Circuit Four Judges

Sixth Circuit Two Judges

Seventh Circuit Three Judges

Eighth Circuit Three Judges

Ninth Circuit Six Judges

Tenth Circuit Three Judges

Eleventh Circuit Three Judges

Twelfth Circuit Three Judges

Thirteenth Circuit Six Judges

Fourteenth Circuit Three Judges

Fifteenth Circuit Three Judges

Sixteenth Circuit Two Judges

(B) In the following judicial circuits at least one family court judge must be a resident of each county in the circuit: fifth, seventh, tenth, twelfth, thirteenth, fifteenth, and sixteenth. In those judicial circuits made up of three or more counties, at least one family court judge must be a resident of one of the counties which does not have the largest population in the circuit. In the ninth circuit, both counties in the circuit must have at least two resident family court judges.

(C) No county in the sixth circuit shall have more than one resident family court judge.

(D) In addition to the judges authorized by this section, there must be ~~six~~ eight additional family court judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at‑large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. ~~6~~ 8, respectively.”

SECTION 2. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the judicial offices authorized by the provisions of SECTION 1, and the General Assembly then shall elect these judges from the nominees of the commission.

SECTION 3. This act takes effect upon approval by the Governor.

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